

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9500 of 2012

=====

Prabhash Prasad Gupta S/O Late Ram Prasad Gupta R/O Mohalla-
Professors Colony, Ward No.13, P.S.-Birpur, Distt-Supaul

.... Petitioner

Versus

1. The State Of Bihar

2. The Principal Secretary, Human Resources Department Govt. Of Bihar,
Patna

3. The V.C., Bhupendra Narayan Mandal University Laloo Nagar,
Madhepura

4. The Registrar, B.N.M.U. Laloo Nagar, Madhepura

5. The Finance Officer , B.N.M.U. Madhepura

6. The Principal , Lalit Narayan Mishra Smarak College Birpur, Distt-
Supaul

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar

For the Respondent/s : Mr. Subhash Pd. Singh Ga7

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the parties.

Having regard to the fact that most of the retirement benefit claimed by the petitioner in this writ application has already been paid, as explained in the counter affidavit filed by the respondent State of Bihar and the respondent B.N.Mandal University, this writ application is disposed of with a direction to the authorities of L.N.Mithila University to ensure that the amount of deposited of group insurance for the period the petitioner was working under the administrative control of L.N.Mithila University must be sent to B.N.Mandal University for its being paid to the petitioner as early as possible but in no event beyond a

period of three months from the date of receipt of this order.

Reverting back to only other grievance pertaining to retirement benefit in respect of higher ceiling amount of gratuity, this Court would find that the petitioner had retired from service on 30.6.2010 and therefore, if the State Government has enhanced the maximum ceiling limit of gratuity for the employees of the University from 3.5 lacs to 10 lacs with effect from 1.4.2007, its benefit cannot be denied to the petitioner who as per affidavit of B.N.Mandal University has been paid the amount of gratuity only to the tune of Rs.3,50,000/-.

In that view of the matter, this Court would direct the Registrar of B.N.Mandal University to examine the claim of the petitioner for payment of remaining enhanced amount of gratuity and if the same is found payable that should also be paid to the petitioner within the same period of three months from the date of receipt of this order.

It is made clear that for any reason whatsoever such payment of enhanced amount of gratuity is not found payable, the reason thereof must be communicated to the petitioner within the same period of three months.

It is also made clear that the issue of entitlement of salary or arrears of salary being not the retirement benefit has not been

gone into in this writ application. Therefore, it will be always open for the petitioner to claim it before the appropriate forum/ court, of course, in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--